

FULL TEXT OF THE OPEN-LETTER FROM LAWYER  
VU VAN MAU TO PRESIDENT NGUYEN VAN THIEU  
REQUESTING FOR IMMEDIATE RELEASE OF DE -  
PUTY TRAN NGOC CHAU.

++++++

Saigon Nov. 17, 1970

Open-letter to the President of the Republic of Vietnam.

Mr. President :

In the capacity of a Senator who has the duty to safeguard the parliamentary immunity of Representatives and Senators as prescribed in the Constitution of the Second Republic as well as in the capacity of a lawyer pleading for Deputy Tran Ngoc Chau, I would like to call your attention to the case of Deputy Chau who has been put in jail since February 19, 1970 by order signed on the same day by the Defense Minister unconstitutionally.

Full text of the Defense Minister's imprisonment order is as follows :

"Imprisonment order"

Minister of National Defense,

Referring to article 20 of the Martial Law (amended by decree-law 14/64 of July 14, 1964) it's hereby requested the Manager of Chi Hoa Reformatory Center to detain, until further notice, Tran Ngoc Chau who was accused of having relations with elements whose activities are harmful to the national defense.

KBC 3177 Feb. 19, 1970

Minister of Defense,

This imprisonment order has obviously violated article 37, paragraph 2 of the Constitution since nobody may confine a Deputy on a charge which is not endorsed by 3/4 of the total of Representatives except in case of "flagrant delicto".

In the judgment of May 5, 1970, the Supreme Court ruled that the imprisonment order delivered to Deputy Chau signed by the Defense Minister must be suspended of execution.



However, despite the fact that we sent a letter on May 14, 1970 to the Defense Minister requesting for the release of Deputy Chau and on May 25, 1970 we sent a similar letter to the President, Deputy Tran Ngoc Chau is still being detained in Chi Hoa Reformatory Center.

On October 30, 1970, the verdict of March 5, 1970 handed down by the III Corps Tactical Zone Mobile Field Court to Deputy Chau sentencing the latter to 10 years at hard labor with exemption of exile was quashed by the Supreme Court.

According to a basic principle in the legality of all developed countries, whenever a non guilty verdict is handed down to a convict, the latter must be freed immediately.

The very judgment of the Supreme Court ruled that one the verdict of March 5, 1970 of the III Corps Mobile Field Court handed down to Deputy Chau is quashed, the imprisonment order of Feb. 19, 1970 signed by the Defense Minister must be dependent upon the above-said verdict."

Furthermore, the Supreme Court's judgment of Oct. 30, 1970 also ruled : "if the Office of the Public Prosecutor assumed that Deputy Tran Ngoc Chau was guilty of having relations with elements whose actions were harmful to the national security, this Office should have to resume a legal prosecution procedure".

Thus, the first thing we must do is to release Deputy Chau before resuming another procedure of prosecution against Deputy Chau if the Office of the Public Prosecutor finds that Deputy Chau is guilty.

By letter No. 088/TT/VP dated Nov. 19, 1970, the President requested the Lower House Speaker to act in conformity with the explanation of the Supreme Court about article 37 of the Constitution approving the prosecution of Deputy Chau before an authoritative court. Thus, the President himself also agreed that all the former prosecution procedures must be resumed in accordance with the Constitution. In other words, Deputy Chau must be freed immediately. If later on , the Lower House approves the prosecution of Deputy Chau, a legal and constitutional order of imprisonment of Deputy Chau will be possible then.

Article 55 of the Constitution provides that the President is responsible for the protection of the Constitution. Further the parliamentary immunity of Deputies and Senators is also prescribed in article 37, paragraph 2 : "during the legal term of office, a Deputy or a Senator may not be prosecuted, searched, detained or tried without the approval of 3/4 of the total membership of the Lower House or the Senate except in case of "flagrante delicto". This article serves as an essential guarantee to the legislative powers and also a basic safeguard to the democracy.



We believe that, for the afore-mentioned reasons, the President will order a prompt release of Deputy Chau, otherwise all the decisions of the Lower House, the President's request mentioned in a letter No. 088/TT/VP and succeeding procedures will be of no avail since they are all unconstitutional from origin

The decision of the President on the case of Deputy Tran Ngoc Chau will be a test on the true nature of the Second Republic's democracy toward the people and world opinion.

Thank you

Sen. VU VAN MAU



H O N O R A B L E P A R L I A M E N T A R I A N S

We welcome you to this war - torn country

Please,

- Do not let your Presence here be exploited for the purpose of Covering an unconstitutional and undemocratic system,
- Do your best to make the struggle against Communism a significant one.

We have the great honour to submit to you the Dossier of a Congressman in Jail as the Proof of numerous reasons for these we have been opposing to the present government of Vietnam and the presence of Americans in this country.

- . TRUONG GIA KY SANH
- . NGUYEN HUU CHUNG
- . TRUONG VI TRI
- . NGO CONG DUC
- . HO NGOC NHUAN



APPEAL TO PARLIAMENTARY MEMBERS ATTENDING  
THE ASIAN PARLIAMENTARY UNION (APU) CON -  
FERENCE, HELD IN SAIGON DEC. 8, 1970 .

-++++-

Gentlemen :

For more than 25 years, successive governments in South Vietnam have incessantly encouraged a decisive war against Communism. The South Vietnamese people have been and are making their utmost sacrifice in this protracted war. Over one half million civilians and militarymen have been killed or maimed. And those people, soldiers, cadres, civil-servants who are still living, get to shoulder ever-increasing taxes and lead an ever-miserable life.

Perhaps someone's ready to present to you evidence of prosperity in South Vietnam with the abundant appearance of Honda motor-bikes, television sets, water-pumps, ploughing-machines, rice seeds, schools, hospitals ect... As a matter of fact, behind such a superficial prosperous scene of a minority of people, the entire Vietnamese are submerging in poverty and misery

Originally an agricultural country with considerable annual rice exports, now we get to import more than six or seven hundred thousand tons of rice every year because our rice fields throughout the country have been destroyed by bombs and chemical poisons, because all youths between 17 and 38 years of age have been drafted to the army.

Moreover, the people all over the country have occasionally been victims of Communist killing (as the event in Hue in 1968) or Americans troops' massacres (as in My Lai and somewhere else).

Gentlemen,

The successive governments in South Vietnam have justified that the people should make further sacrifice in order to defeat the Communist dictatorial regime and safeguard freedom in South Vietnam.

The U.S. and many other countries have also claimed the same "banner" as justification for their assistance to Vietnam. And that sort of freedom has been defined and guaranteed in the Constitution of a popular-elected government.

Gentlemen,

How about the very truth in South Vietnam ?

We would commit a most terrible crime toward our people, toward the humankind, toward the human being conscience



and we would be in accomplice with those who betray all the Vietnamese and foreigners who have made their utmost sacrifice for freedom in this part of the world should we do not denounce before you, the true representatives of many friendly peoples, and before world opinion the real plight of Freedom and Democracy as they are being exercising in this country.

That real situation reveals a dictatorial and tyrannical leadership regardless of the Constitution and national laws.

It's possible that some one may point out opposition viewpoints as they have appeared in the newspapers, expressed at the National Assembly and other meeting places as evidence of Freedom and Democracy

But have you ever learned that those opinion exert no influence whatever on the government's attitude and the authors of those viewpoints have become a good target for the government attacks and oppression.

Gentlemen,

You have of course heard about the maltreatment of political prisoners in Con Son tiger-cages and in various jails throughout the country. You have no doubt been told about the permanent presence of ten thousands of prisoners being detained in jails without court judgment or that their sentences have already expired. The old prisoners go out and the new prisoners come in and every year a hundred thousand Vietnamese are put to jail like that.

Gentlemen,

Among innumerable evidence testifying to the present dictatorial regime, we would like to pick out and present to you the most concrete and accumulated proof : that is the case of Deputy Tran Ngoc Chau who is still being held in Chi Hoa jail.

Now that a Representative who had been a high-ranking officer (before 1967), Secretary General of the Lower House (1968), Judge of appeal of the Special Court (1969) is maltreated in such a way beyond constitutional guarantee and judicial judgments, you have probably imagined, without any further explanation, what a terrible situation 17 million humble population are bearing under the so-called constitutional and law-governed regime of South Vietnam.

We earnestly hope that our appeal would affect all of you to making a common clarification of the just cause of the Free World and help ourselves as true Representatives

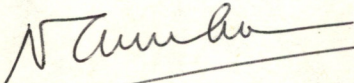




of justice-loving peoples in Asia renounce the attitude going in accomplice with Tyranny and Injustice.

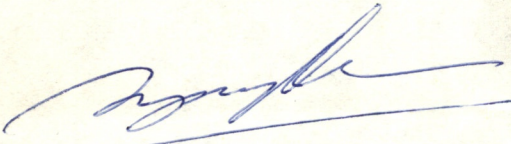
Thank you.

Saigon .8<sup>th</sup>. December, 1972

Signatures of Republic of Vietnam  
Representatives attending the Asian  
Parliamentary Union Conference :

  
HO-NGOC NHUAN

  
NGO-CONG-DUC